

# TOWN OF CALAIS, VERMONT

## ORDINANCE TO REGULATE LIVESTOCK RUNNING AT LARGE

### 1. Purpose and Authority

The Selectboard of the Town of Calais finds that Livestock Running at Large cause damage to private property and present a significant danger to motorists and the general public traveling on Town and State highways. Livestock Running at Large may also transmit communicable diseases to Livestock that is properly fenced and contained. Accordingly, the Calais Selectboard finds Livestock Running at Large in the Town of Calais to be a public nuisance.

The purpose of this Ordinance is to abate and remove this public nuisance by establishing reasonable regulations for impoundment of Livestock Running at Large and to thereby protect the health, safety, and welfare of the public and the quiet enjoyment of Calais residents' homes and property. This Ordinance is adopted by the Calais Selectboard under the authority of 24 V.S.A. §2291(14) and (15). This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

### 2. Definitions

For purposes of this Ordinance, the following words and phrases shall apply:

**Enforcement Officer** means any Law Enforcement Officer, Animal Control Officer, Town Constable or other person designated an Enforcement Officer under this Ordinance by the Calais Selectboard.

**Impoundment Expenses** means expenses incurred by the Town for the impoundment of Livestock, including but not limited to, transportation, boarding, food, care, and veterinary expenses.

**Livestock** means any, horse, stallion, colt, gelding, mare, sheep, ram, lamb, bull, steer, heifer, cow, calf, mule, donkey, goat, kid, pig, or swine

**Owner** means any person who owns Livestock or has actual or constructive possession of Livestock.

**Remedial Action** means the action of the Owner of Livestock, as directed by an Enforcement Officer in writing, necessary to securely contain the Livestock on the Owner's property. Remedial Action may include, but is not limited to, construction or repair of fences, gates, pens, corrals, paddocks, sties, barns, sheds, or other structures necessary to contain the Livestock on the Owner's property.

**Run and Large or Running at Large** means off property owned or leased by the Owner and not under the control of the Owner or an agent of the Owner.

### 3. Prohibition

The Owner of Livestock shall not allow, permit, or suffer such Livestock to Run at Large in the Town of Calais. This prohibition shall not include situations where the owner of the livestock has taken reasonable measures to contain the animal.

### 4. Impoundment

(A) An Enforcement Officer may immediately impound, at an impoundment facility designated by the Selectboard, any Livestock found Running at Large in the Town of Calais

(B) Within twenty-four (24) hours after impounding such Livestock, the Enforcement Officer shall give written notice to the Owner, informing the Owner of the violation of this Ordinance and the Remedial Action necessary to release the Livestock from impoundment.

(C) The Remedial Action shall be completed by the Owner within forty-eight (48) hours of the notice.

(D) Impounded Livestock shall be released to the Owner only upon satisfactory completion of the Remedial Action and payment of all Impoundment Expenses owed to the Town. The Enforcement Officer shall be authorized to enter the Owner's property to inspect fences, gates, pens, corrals, paddocks, sties, or other structures to determine if the Remedial Action has been completed.

(E) If the Owner of the Livestock is unknown, the Enforcement Officer shall, within twenty-four (24) hours of impoundment, post a notice in the Town Clerk's office, the Town's website, Front Porch Forum, and three (3) public places in the Town. The posted notice shall include a description of the Livestock, the time and place the Livestock was found and impounded, and the name, address, and telephone number of the Enforcement Officer. The notice shall be posted for ten (10) days.

(F) If the impounded Livestock is not claimed from impoundment by the Owner after ten (10) days, or the Owner gives notice to the Enforcement Officer of forfeiture of ownership, or the Owner fails to complete the Remedial Action, or the Owner fails to pay all Impoundment Expenses due to the Town, the Livestock may, at the discretion of the Selectboard, be sold, transferred to a humane society or rescue organization, or humanely destroyed.

(G) The proceeds from the sale of the Livestock, if any, shall be turned over to the Owner after payment of any outstanding Impoundment Expenses due to the Town, and payment for any damage done by the Livestock, in an amount to be determined by the Selectboard after a public hearing.

## 5. Civil Penalty

(A) In addition to completion of the Remedial Action and payment of any Impoundment Expenses, an Owner that allows, permits, or suffers Livestock to Run at Large in the Town of Calais shall be subject to a civil penalty of up to \$800.00 per day for each day such violation continues. The Enforcement Officer shall be authorized to act as an issuing municipal official to issue and pursue a municipal complaint for the civil penalty before the Vermont Judicial Bureau.

(B) An Enforcement Officer is authorized to recover Civil Penalties and Waiver Fees in the following amounts:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense	\$160.00	\$100.00
Second Offense	\$320.00	\$250.00
Third Offense	\$480.00	\$400.00
Fourth Offense	\$640.00	\$550.00
Fifth and Subsequent Offenses	\$800.00	\$700.00

(C) In addition to the enforcement procedures herein, the Selectboard may commence a civil action in Superior Court to obtain injunctive or other appropriate relief and may pursue any other remedy authorized by law.

## 10. Other Laws

This Ordinance is in addition to all other ordinances of the Town of Calais and all applicable laws of the State of Vermont.

## 11. Severability

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

## 12. Effective Date

This Ordinance shall become effective sixty (60) days after adoption by the Town of Calais Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

Adopted this 12th day of July, 2021.

Town of Calais Selectboard

Denise Wheeler 07 / 21 / 2021

Denise Wheeler, Chair

Sharon Winn Fannon 07 / 21 / 2021

Sharon Winn Fannon, Vice Chair

Marc Mihaly 07 / 21 / 2021

Marc Mihaly

Richard Kehne 07 / 21 / 2021

Richard Kehne

John Brabant 07 / 21 / 2021

John Brabant

### Adoption History:

Agenda item at regular Selectboard meeting held on Monday, July 12, 2021.

Read and approved at a regular/special Selectboard meeting on Monday, July 12, 2021 and entered in the minutes of that meeting which will be approved on July 26, 2021

Posted in public places: FPF, Town website, Town Office, Maple Corner Store, E. Calais P.O.

Notice of adoption published in the Times Argues newspaper on Saturday, July 24, 2021 with notice of the right to petition.

If no petition is filed, the ordinance becomes effective sixty days after the date of adoption, or at such time following the expiration of sixty days from the date of its adoption as determined by the Selectboard. 24 VSA 1973  
Effective date: Friday, September 10, 2021.

Within forty days of the adoption of an ordinance by the Selectboard, five percent of the voters may submit a petition to have a meeting to determine whether the ordinance will be disapproved. If the ordinance is not disapproved, it takes effect at the conclusion of the meeting, or at a later date specified in the ordinance. 24 VSA 1973

Other actions.